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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/453,526 | 12/03/1999 | HARRY B. SMITH | A7302 | 2759 |

7590 09/23/2002

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EXAMINER

GESESSE, TILAHUN

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 09/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/453,526 | SMITH, HARRY B. | |
| | Examiner Tilahun B Gesesse | Art Unit 2685 | |

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 December 1999.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 12-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 12-68 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

| | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____. |

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 12-19,23-29,34-52,55-56,61-62 and 64 are drawn to a base station with plurality of antenna arrangement such that a processor operable to iteratively process said digital values to determine the affects of thermal noise introduced by the amplification of a signal received, classified in class 455, subclass 562,226.3,67.3,78.
- II. Claims 20,63 are drawn to processing and computing a received signal to determine or constitute an angle or direction of a signal, classified in class 455, subclass 276.1,304,143.
- III. Claims 21-22,30-33,53-54 and 65-66 are drawn to selecting signal plus noise signal with minimum of average noise and performing an iterative process to determine an estimate of magnitude and polarity of noise portion of signal plus noise and storing and delaying the received signal, classified in class 455 subclass 355, 242.1.
- IV. Claims 57-60, are drawn to integrated circuit device with iterative process for injecting a series of predetermined digital values supplied by an EPROM memory and stored in topographical number of matrix, classified in class 395 subclass 893,281,200.01.
- V. Claim 67-68 are drawn to wireline and fiber optic wireline system, classified in class 379 subclass 326, 235.

Inventions in group I, IV, V and II, III are related as process of making and process of using the product. The use as claimed cannot be practiced with a materially different product. Since the product is not allowable, restriction is proper between said method of making and method of using. The product claim will be examined along with the elected invention (MPEP § 806.05(I))

As regarding to claims in group I, IV and V are process of making and process of using the product, these claims are classified in different class and subclass as shown above and have distinct way of using such as in group I, a base station with plurality of antenna arrangement such that a processor operable to iteratively process said digital values to determine the affects of thermal noise introduced by the amplification of a signal received, and in group IV, to integrated circuit device with iterative process for injecting a series of predetermined digital values supplied by an EPROM memory and stored in topographical number of matrix, further more, in group V, wireline and fiber optic wireline receiving system. These claims are not related and are distinct to each other, therefore, are restrictable claims.

As regarding to claims in group II and III, are method of making and method of using the product, as shown above these claims are classified in different class and subclasses. Further more, the claims are distinct to each other in method of making and method of using the product, to illustrate, claims in group II, method of processing and computing a received signal to determine or constitute an angle or direction of a received signal where as, claims in group III, method of selecting signal plus noise signal with minimum of average noise and performing an iterative process to determine

an estimate of magnitude and polarity of noise portion of signal plus noise and storing and delaying the received signal. These claims are not related and are distinctively patentable to each other , therefore, restriction to group I through V is proper.

Conclusion

Any response to this action should be mailed to:

*Commissioner of Patents and Trademarks
Washington, D.C. 20231*

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

*(703) 746-6042 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")*

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun Gesesse whose telephone number is (703) 308-5873.. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (703) 305-4385. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4750.

TBG

Sept. 19, 2002

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Art Unit: 2685

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Tilahun Gesesse

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